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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,242	05/08/2001	Charles J. Runkle	2000.16	4003
29494	7590	10/13/2006		
HAMMER & HANF, PC 3125 SPRINGBANK LANE SUITE G CHARLOTTE, NC 28226			EXAMINER STAICOVICI, STEFAN	
			ART UNIT	PAPER NUMBER
			1732	
DATE MAILED: 10/13/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20061003

DATE MAILED:

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Commissioner for Patents

1. Applicants' response filed September 18, 2006 has been entered.
2. The IDS filed September 18, 2006 has been considered. Therefore, a copy of the PTO-1449 has been signed and is included. Also, it is noted that Applicants' position that the IDS filed September 18, 2006 is the same as the IDS filed May 31, 2005 is correct. Furthermore, Applicant is correct in that the IDS of June 8, 2005 was filed as a substitute in order to include the foreign filing information and not to add any other references for consideration. Therefore, the IDS filed September 18, 2006 conforms to 37 C.F.R. 1.98.
3. With regards to Applicants' position that the Declaration of Charles Runkle, filed December 17, 2002 (the "Declaration"), has not been considered it is noted that:
 - (a) In the Final Rejection mailed March 12, 2003 the Examiner discusses at length the Declaration (see pages 9-10, paragraph 12); and
 - (b) In the Examiner's Answer mailed March 29, 2005 the Examiner discusses the Declaration in combination with the response to Applicants' arguments presented in the Appeal Brief filed January 30, 2004 and, the remand from the BPAI of January 27, 2005 (see pages 19, 21 and 23 of the Examiner's Answer mailed 3/29/2005). The Declaration was discussed in combination with Applicants' arguments because the same issues were raised in both documents.
4. The instant application is forwarded to the BPAI for a decision.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Staicovici, Ph.D. whose telephone number is (703) 305-0396 (until December 22, 2003) and (571) 272-1208 (after December 23, 2003). The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM and alternate Fridays off. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stefan Staicovici, PhD

Primary Examiner

10/3/06

AU 1732
October 3, 2006